

Alan I. Leshner  
Chief Executive Officer and  
Executive Publisher, *Science*

September 15, 2008

Public Comment Processing  
U.S. Fish and Wildlife Service  
4401 North Fairfax Drive Suite 222  
Arlington, Virginia 22203

To Whom It May Concern:

On behalf of the American Association for the Advancement of Science (AAAS), I appreciate the opportunity to comment on the proposed changes to "Interagency Cooperation Under the Endangered Species Act" published in the Federal Register on August 15, 2008. As the world's largest scientific society and publisher of the journal *Science*, AAAS sees great value in maintaining the existing requirement for an independent biological assessment of the impacts of federal projects on endangered and threatened species.

For decades, interpretation of Section 7 of the ESA has required that the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) conduct an independent scientific review to determine if a federal project will affect a listed species. We are concerned about the effect of the proposed changes to Section 402.03 that would permit agencies to sidestep this consultation process on actions that they alone have determined will have "no effect" on listed species.

By working with the various mission agencies, FWS and NMFS officials provide another layer of much-needed scientific expertise in assessing impacts on vulnerable species. Furthermore, an independent system of scientific assessments can provide a neutral barrier between the assessment process and the mission agency's determination of how to move forward with a project. The counterbalance of agencies such as FWS and NMFS tasked with enforcing the ESA is needed to offset the primary interests of the mission agencies whose directives may come into conflict with the goals of protecting these species.

We feel that the scientific process underlying the Endangered Species Act would be weakened by these changes and respectfully request that the proposed regulations be withdrawn. We instead recommend a public meeting with stakeholders to find common ground in ways to improve the efficiency of the consultation process while maintaining its scientific integrity. AAAS stands ready to assist in any way that may be helpful.

Sincerely,



Alan I. Leshner